IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6564 of 2005

GULAB RAM
V/S
STATE OF RAJ.

Mr. VK SHARMA, for the appellant / petitioner

Mr. SN TIWARI, DY.G.A., for the respondent

Date of Order : 21.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter despite being listed at S.No. 104 in the cause list was taken up out of turn in view of the note appearing in the cause list, with the consent of learned counsel for the parties.

Heard learned counsel for the parties.

The petitioner has challenged the order of suspension alleging inter alia that the petitioner was working as Patwari, and while so working on a question relating to supply of some certified copies, complaint was made by a person in the Anti Corruption Bureau alleging demand of illegal gratification, and thereupon the matter was enquired by Tehsildar. However, the respondent got made another enquiry. Then, some affidavit was said to have been given by the complainant. Thus, the petitioner claims that

no offence was committed by him. Then, it is alleged in para-12 that the investigation has not been completed till the date, and the petitioner is continuing under suspension, therefore, suspension has been challenged contending that prima facie no offence is made out, and investigation is not being concluded for long. Considering the averments vide order dt. 11.11.2005, learned Addl. Government Advocate was directed to produce the case diary, and on 19.11.2005 it was informed that from case diary it was found that the sanction has already been granted by the appropriate authority for prosecution, and the charge-sheet is likely to be filed shortly. It is today informed that the charge-sheet has been filed. In these circumstances, I do not stand advised to go into the question, as to whether the offence is prima facie made out, or not, and since the charge sheet has already been submitted, I am not inclined to interfere with the order of suspension.

The writ petition is, therefore, dismissed summarily. It is however directed that the learned trial court shall complete the trial expeditiously.

(N P GUPTA),J.

/Sushil/